

UNITED STATES DISTRICT COURT
MIDDLE DISTRICT OF TENNESSEE
NASHVILLE DIVISION

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|---------------------------|---|---------------|
| KEITH LAMONT FARMER |] | |
| Plaintiff, |] | |
| |] | |
| v. |] | No. 3:12-0489 |
| |] | Judge Trauger |
| CPL. CHRIS PARKER, et al. |] | |
| Defendants. |] | |

O R D E R

Presently before the Court are Motions to Dismiss from Sheriff Daron Hall (Docket Entry No.25) and the Metropolitan Government of Nashville and Davidson County (Docket Entry No.27), a Report and Recommendation (Docket Entry No.40) from the Magistrate Judge urging the Court to grant the Motions, and plaintiff's timely objections (Docket Entry No.45) to the Report and Recommendation.

The plaintiff was allegedly assaulted by a guard at the Davidson County Criminal Justice Center without provocation. Nowhere in the plaintiff's recitation of the facts does he mention either Sheriff Hall or the Metropolitan Government of Nashville and Davidson County. The plaintiff, therefore, is suggesting that liability should attach to these defendants based solely upon their positions as the supervisor and employer of the alleged tortfeasor.

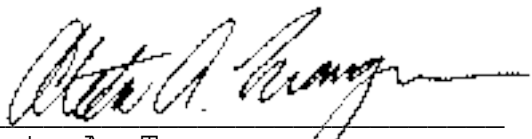
The Magistrate Judge has correctly concluded that Sheriff Hall and Metro Government can not be held liable for a civil rights

violation in the absence of proof that they at least implicitly authorized, approved or knowingly acquiesced in the unconstitutional conduct of an offending subordinate. Bellamy v. Bradley, 729 F.2d 416,421 (6th Cir.1984). No such proof has been offered by the plaintiff.

In his objections, the plaintiff claims that these defendants should be held liable because they failed to adequately train the alleged tortfeasor in the care and treatment of prisoners. However, this assertion never appears in the complaint. Nor has the plaintiff asserted that he was assaulted as a matter of policy, course or custom.

Accordingly, the Court has reviewed these pleadings and the record *de novo* and finds that the plaintiff's objections lack merit. Therefore, the plaintiff's objections are OVERRULED. The Report and Recommendation is ADOPTED AND APPROVED in all respects. Defendants' Motions to Dismiss are hereby GRANTED and the claims against them are DISMISSED.

It is so ORDERED.



Aleta A. Trauger
United States District Judge